

**CITY OF CORAL GABLES, FLORIDA****RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES APPROVING A MIXED USE (MXD) SITE PLAN FOR THE PROPOSED MIXED USE PROJECT REFERRED TO AS "DYL MERRICK MXD", LOCATED ON PROPERTY LEGALLY DESCRIBED AS ALL OF BLOCK 16, INDUSTRIAL SECTION (4601 LEJEUNE ROAD), CORAL GABLES, FLORIDA; AS SET FORTH IN APPLICATION NO. 06-08-070-P; SUBJECT TO CERTAIN CONDITIONS.

**WHEREAS**, Application No. 06-08-070-P was submitted for one development proposal including a request for site plan review for a mixed-use (MXD) project referred to as "DYL Merrick MXD" on property legally described as Block 16, Industrial Section (detailed legal description on file within City records), Coral Gables, Florida; and,

**WHEREAS**, after notice of public hearing duly published and notification of all property owners of record within the South MXD Industrial District and within one thousand five hundred (1,500) foot radius from the District, a public hearing was scheduled before the Planning and Zoning Board, however the application was deferred on October 8, 2008; and was held on November 12, 2008 and continued to December 10, 2008, at which hearing all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, at the December 10, 2008 Planning and Zoning Board meeting, the Board with a tie vote (vote: 3-3) provided "no recommendation" on the proposed applications; and,

**WHEREAS**, after further notice of public hearing was duly published and notification of all property owners of record within the South MXD Industrial District and within one thousand five hundred (1,500) foot radius from the Districts, a public hearing was held before the City Commission on January 13, 2009, at which hearing all interested persons were afforded the opportunity to be heard; and,

**WHEREAS**, the City Commission on January 13, 2009, \_\_\_\_\_ the request (vote: \_\_\_\_ - \_\_\_\_).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That in furtherance of the Comprehensive Land Use Plan Goals, Objectives and Policies, Zoning Code and other applicable City provisions, the request for site plan approval to permit the construction of the proposed mixed-use project known as “DYL Merrick MXD” on all of Block 16, Industrial Section (4601 LeJeune Road), Coral Gables, Florida, as set forth in Application No. 06-08-070-P shall be and it is hereby \_\_\_\_\_ subject to the following conditions

***(The below listed conditions do not include conditions recommended by the Planning and Zoning Board, or conditions proffered by the applicant):***

1. Application/supporting documentation. Construction of the proposed project shall be in conformance with the following:
  - a. Site plans, building elevations and building program prepared by Perkins & Will, Architects, dated 10.01.08.
  - b. Landscape plans prepared by Savino & Miller Design Studio, dated 10.01.08.
  - c. Traffic impact study prepared by Richard Garcia & Associates, Inc., dated 03.27.08.
  - d. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 10.01.08, sheets 1 thru 136, and proffered by the applicant’s representatives as a part of the review of the application at public hearings.
2. Restrictive covenant. Within 30 days of approval of the site plan, the property owner, its successors or assigns shall submit a restrictive covenant for City Attorney review and approval outlining all conditions of approval as approved by the City Commission. Failure to submit the draft restrictive covenant within the specified time frame shall render the approval void unless said time frame for submittal of the draft restrictive covenant is extended by the City Attorney after good cause as to why the time frame should be extended.
3. Prior to the issuance of a building permit for the project, the property owner, its successors or assigns, shall satisfy the following conditions:
  - a. Valet parking. All valet parking stations, valet stacking and vehicular circulation shall be located/accommodated entirely within the confines of the building. All valet operations including but not limited to valet parking stations, valet stacking, vehicular valet circulation, etc. shall be prohibited on the public rights-of-ways.
  - b. On-street parking. Payment shall be provided by applicant, its successors or assigns according to established City requirements for the loss of thirteen (13) on-street parking spaces resulting from the project.
  - c. Service alleyway. Provide a Restrictive Covenant requiring that the building’s ground floor internal service corridor shall remain open and available for use as a public alleyway.
  - d. Directional signage. A directional signage plan for on-site and off-site vehicular circulation shall be prepared and submitted by the applicant, subject to review and approval by Director of the Public Works Department.
  - e. Western building signage. As proffered by applicant, no signage shall be permitted above the building’s second floor facing west onto and towards LeJeune Road.
  - f. Western building lighting. No exterior building lighting may illuminate above the building’s second floor facing west onto and towards LeJeune Road.

- g. LeJeune Road right-of-way (ROW) encroachments. No building encroachments shall be permitted onto the LeJeune Road public ROW.
  - h. Landscaping irrigation. All plant materials proposed off-site and on all levels of the building shall be irrigated. All plant material adjoining the subject property within the public ROW shall be irrigated, supplied and controlled from the ROW.
4. Prior to the issuance of the final Certificate of Occupancy (CO), the property owner, its successors or assigns shall complete the following:
- a. Public realm improvements. Install all landscaping, public realm improvements and streetscape improvements on-site and within the public ROW, including intersection improvements, street paving and resurfacing, curb/gutters and sidewalks and undergrounding of off-site public utilities as shown on sheets 31 thru 44 of 136 of the application submittal package dated 10.01.08, subject to review and approval by Directors of Public Works, Public Service and Parking Departments.
  - b. Traffic calming. As proffered by the applicant, provide pedestrian crosswalks and signalization at the following street intersections:
    - 1) San Lorenzo Avenue and Ponce de Leon Boulevard.
    - 2) LeJeune Road and Greco Avenue, per Florida Department of Transportation (FDOT) approval.
- All costs for design, permitting and the construction of the signalized pedestrian crosswalks shall be the responsibility of the property owner, its successors or assigns, subject to review and approval of the Directors of Public Works and Public Service Departments.
- c. LeJeune Road pedestrian and landscaping. Provide written documentation verifying FDOT review and approval for abandonment and conversion of the FDOT sidewalk into a planting area and permanent 10 foot pedestrian easement to allow the arcade to be used as a public covered sidewalk.
5. Public city park improvements. Approval of this site does not include the proposed public city park to be located at Greco and Granello Avenues. Improvements and site plan for the proposed park shall be subject to future City review and approval.
6. Use of public city park. Any proposed private use of the public city park shall require review and approval of the Directors of Public Works, Public Service, Parks and Recreation and Parking Departments.
7. Attainable housing. As proffered by the applicant; the applicant, its successors or assigns will contribute \$100,000.00 dollars to the City of Coral Gables at the time of issuance of building permit to assist the City in its efforts to promote and/or provide attainable housing. The funds shall be deposited by the City in a separate line-item account dedicated exclusively for the City's attainable housing efforts, which may include, but is not limited to, the following: update of the existing housing study, planning, implementation, administration, management, education, advertisement, promotion, and/or development of attainable housing, in furtherance of the City's Comprehensive Land Use Plan and the State of Florida's growth management statute requirements.

**SECTION 3.** That the applicant shall further be required to comply with all applicable zoning regulations and any changes to the application herein granted shall require a recommendation from the Planning and Zoning Board and approval by the City Commission.

**SECTION 4.** That this Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2009.

APPROVED:

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY

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